SUPREME COURT, U. S.

No. 241

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In the Supreme Court of the United States

OCTOBER TERM, 1964.

JAMES B. CLOWER, DAN McWILLIAMS, and CLYDE RECTOR, Intervenors,

Petitioners,

vs.

NATIONAL LABOR RELATIONS BOARD and TENNESSEE PRODUCTS AND CHEMICAL CORPORATION, ROANE ELECTRIC FURNACE DIVISION,

Respondents.

REPLY TO BRIEFS IN OPPOSITION TO PETITION FOR CERTIORARI.

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Two matters set out as fact in the agreement of the respondents are not factually correct.

The brief of respondent Tennessee Products states that "That case was fully investigated and litigated before the National Labor Relations Board. That unfair labor practice case ended with a decision, and Order by the Board finding that unfair labor practices had occurred and that appropriate statutory remedies were applicable." (Page 6, brief of Tennessee Products.)

As shown in the brief of the National Labor Relations Board (page 3), the litigation before the Board was not fully litigated, but was settled without any formal hearing or "litigation" before the Board or before the Court of Appeals.

Secondly, the settlement was without notice to the petitioners, despite the statement to the contrary on page

7 of the respondent National Labor Relations Board's brief. (See page 3, line 7, of the petitioner's brief.)

Actually, whether the firing of the approximately four hundred strikers was illegal was not settled by litigation before the National Labor Relations Board, but by agreement entered into between the Union, Tennessee Products, and the attorneys for the National Labor Relations Board, *and both the National Labor Relations Board and the Court of Appeals merely approved that agreement.*

Respectfully submitted,

JAC CHAMBLISS,

Counsel for Petitioners.